

Notice of Allowability

Application No.

10/634,107

Examiner

Robert G. Santos

Applicant(s)

CASTELLANI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 04 August 2003.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 04 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 08042003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ROBERT G. SANTOS
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of a lightweight decontaminable stretcher comprising a *molded* frame assembly comprising a first frame pole, a second frame pole, and a spreader bar interconnecting the first and second frame poles as specifically recited in Applicants' independent claims 1 and 9; the particular material composition of the molded frame assembly as recited in Applicants' independent claim 1; and at least one reinforcing member *formed on an interior surface of the frame poles and generally running the length of the hollow interior cavity* as specifically recited in Applicants' independent claim 15. With regards to the prior art, most stretcher frame assemblies are constructed from two main types of material: a lightweight metal (such as aluminum) and wood. Upon completing a comprehensive search, only U.S. Patents No. 6,061,853 to Laaksonen et al. and 5,109,555 to Fickler were found to disclose the use of a stretcher having frame poles made from a moldable material such as plastic; however, the frame poles disclosed by Laaksonen et al. each contained a longitudinal split along the lower surface thereof for securing opposed sides of a rigid plastic bed member and were connected only by a plurality of conventional fabric straps, whereas Fickler discloses the use of *light metal* tubes connecting the frame poles. Furthermore, U.S. Patent Nos. 5,473,784 to Nixon et al. and 4,226,231 to Andersen both disclose the use of a *bed member* formed from fiberglass as opposed to a *molded frame* assembly constructed of a composite containing fiberglass as recited in Applicants' claims. Lastly, the main type of reinforcing element which is commonly found in

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conventional stretcher assemblies is the reinforced hem(s) of the bed member which accommodate(s) the frame poles, whereas the frame poles themselves--either hollow or solid--are generally considered ample reinforcement for supporting a patient positioned on the stretcher. Hence, it is considered that the application is currently in full and proper condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Robert G. Santos". The signature is fluid and cursive, with the first name "Robert" being more prominent.

Robert G. Santos
Primary Examiner
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R.S.

September 28, 2004